

The Honorable Lauren King

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

JOSHUA A. DIEMERT, an individual,

Plaintiff,

v.

THE CITY OF SEATTLE, a municipal corporation;  
BRUCE HARRELL, in his official capacity as the  
Mayor of the City of Seattle,

Defendants.

No. 2:22-CV-01640-LK

PRAECIPE

DEFENDANTS' MOTION TO  
DISMISS

TO: The Clerk of the Court:

Please use the attached corrected Defendants' Motion to Dismiss in place of the Defendants' Motion to Dismiss that was filed on March 10, 2023 at Dkt. 16. The corrected Motion to Dismiss attached hereto is within the proper word count and includes the *Certification of Word Count* in the signature block per local court rule 7(e)(6).

1  
2 Dated this 15th day of March, 2023.

3 DAVIS WRIGHT TREMAINE LLP  
4 *Attorneys for Defendants The City of Seattle*  
5 *and Bruce Harrell*

6 By /s/Victoria Slade  
7 Sheehan Sullivan, WSBA #33189  
8 Victoria M. Slade, WSBA 44597  
9 Darrah N. Hinton, WSBA #53542  
10 920 Fifth Avenue, Suite 3300  
11 Seattle, WA 98104-1610  
12 Telephone: 206.622.3150  
13 Fax: 206.757.7700  
14 Email: [sulls@dwt.com](mailto:sulls@dwt.com)  
15 Email: [vickyslade@dwt.com](mailto:vickyslade@dwt.com)  
16 Email: [darrahhinton@dwt.com](mailto:darrahhinton@dwt.com)  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27

**CERTIFICATE OF SERVICE**

I hereby certify that I caused a true and correct copy of the document to which this Certificate of Service is attached to be served in the manner as indicated below:

**PACIFIC LEGAL FOUNDATION**  
***Attorneys for Plaintiff:***

**Brian T. Hodges, WSBA #31976**  
1425 Broadway, Suite 429  
Seattle, WA 98122  
Telephone: 425.576.0484  
Email: [bhodges@pacificlegal.org](mailto:bhodges@pacificlegal.org)

**Laura M. D'Agostino, Virginia Bar #91556**  
*Admitted Pro Hac Vice*  
3100 Clarendon Boulevard, Suite 1000  
Arlington, VA 22201  
Telephone: 916.503.9010  
Email: [ldagostino@pacificlegal.org](mailto:ldagostino@pacificlegal.org)

**Andrew R. Quinio, California Bar #288101**  
*Admitted Pro Hac Vice*  
555 Capitol Mall, Suite 1290  
Sacramento, CA 95814  
Telephone: 916.419.7111  
Email: [aquinio@pacificlegal.org](mailto:aquinio@pacificlegal.org)

- ☐ Via Legal Messenger
- ☐ Via U.S. Mail, postage prepaid
- ☐ Via Federal Express
- ☐ Via Facsimile
- ☐ Via Electronic Mail
- ☒ **Via Court ECF**

Declared under penalty of perjury under the laws of the State of Washington.

DATED at Mount Vernon, Washington this 15<sup>th</sup> day of March, 2023.

/s/ Carol Huerta

Carol Huerta, Legal Assistant  
DAVIS WRIGHT TREMAINE LLP  
920 Fifth Avenue, Suite 3300  
Seattle, WA 98104-1610  
Telephone: 206.622.3150  
Email: [carolhuerta@dwt.com](mailto:carolhuerta@dwt.com)